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Summary of Haney v. State of Nevada, 124 Nev. Adv. Op. No. 40

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Haney v. State of Nevada, 124 Nev. Adv. Op. No. 40 (June 12, 2008)¹

CRIMINAL LAW – FLAT-TIME SENTENCING

Summary

Appeal from a district court order denying appellant’s motion to correct an illegal sentence.

Disposition/Outcome

Dismissed the defendant’s claim because his sentence expired, but held that the district court erred by denying defendant’s motion to correct illegal sentence.

Factual and Procedural History

Randy Gene Haney (“Haney”) pleaded guilty to attempted third-degree arson under NRS 205.020. Haney was sentenced by the district court to 12 months flat time. A flat time sentence is a form of determinate sentencing whereby the offender must serve the exact penalty imposed without the ability to earn credits, while incarcerated, towards early release. Haney filed a motion to correct an illegal sentence on the basis that flat time sentencing is illegal, which was denied by the district court. Thereafter, Haney appealed from the district court’s order denying the motion.

The court uniformly held that the district court erred when it denied Haney’s motion to correct an illegal sentence following a guilty plea to attempted third-degree arson.

Discussion

The court held that the Legislature has clearly evinced its intention to confer authority upon the sheriff’s office to determine whether an individual inmate is eligible for good time credits and that allowing flat time sentencing is contrary to that intent. The court determined that prison management is a statutorily prescribed function of the executive branch. NRS 211.320 gives statutory authority to the executive branch, via the sheriff’s office, to award good time credits to prisoners in detention facilities. Additionally, the court held that the legislative history of Assembly Bills 68² and 510³ demonstrates that the Legislature intended for inmates to be able to earn credit toward early release.

¹ By Tyler James Watson

² Assembly Bill 68, amended NRS chapter 211 in 1991, allowed inmates to earn work credits while awaiting sentencing and gave authority to the sheriff to award good time and work time credits.

³ NRS chapter 211 was revised again in 2007 through Assembly Bill 510. A.B. 510 retroactively increased the amount of credits that certain inmates can earn.

Therefore, the court concluded that the district court erred in denying Haney's motion to correct an illegal sentence because the Legislature evinced a clear intent to allow good time credit awards and an equally clear intent not to permit flat time sentencing.

Conclusion

The court concluded that flat time sentencing contravenes clear legislative intent. On the basis of that conclusion, the court held that the district court erred by denying Haney's motion to correct an illegal sentence. However, Haney's appeal was dismissed because his sentence had expired.